

Chapter 3.43
PARKS AND RECREATION
FACILITIES CODE

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3.43.010 Police power.

This chapter is declared to be an exercise of the police power of the city; its provisions shall be liberally construed for the preservation and protection of the natural environment, public peace, health, safety and welfare. ([Ord. 4071](#) § 1, 1989.)

3.43.020 Definitions.

Unless clearly inconsistent with the context in which used, the following definitions shall apply under this chapter:

- A. “Department” means the department of parks and community services of the city.

B. "Director" means the director of the department of parks and community services and authorized agents of the director.

C. "Inflatable, nonmotorized watercraft" means those nonmotorized watercraft which have two or more inflatable chambers and are propelled by two or more oars.

D. "Motorized watercraft" means those floating devices which are designed to be propelled by the use of internal combustion engines or electric motors. Inflatable, motorized watercraft may be included in this definition if they are propelled by the use of internal combustion engines or electric motors.

E. "Nonmotorized cycle or similar device" means any wheeled, operator-propelled equipment which transports the operator on land, except wheelchairs. Nonmotorized cycle or similar device includes, but is not limited to, unicycles, skateboards, bicycles, tricycles, quadcycles and scooters.

F. "Nonmotorized watercraft" means those floating devices which are designed to support or help support a person or persons in water, and which may or may not be propelled by the use of oars, paddles or sails.

G. "Nonswimming season" means that portion of the year which has not been designated as the swimming season.

H. "Park" means all parks and bodies of water contained therein, squares, plazas, trails, golf courses, museums, beaches, playgrounds, playfields, botanical gardens, greenbelts and other park, recreation and open space areas, buildings and facilities comprising the parks and recreation system of the city under the management and control of the city manager or his or her designee.

I. "Recreation program" means any program or activity conducted, sponsored or assisted by the department, whether or not it occurs in a park.

J. "Swimming season" means the period of time, as designated by the city manager or his or her designee, from approximately mid-June to the first week in September, when lifeguards are on daily duty at park swimming beaches. ([Ord. 4566](#) § 1, 1993; [Ord. 4480](#) § 1, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.030 Rulemaking.

The city manager or his or her designee has the power to enforce the provisions of this chapter. The city manager or his or her designee may adopt, amend and rescind rules and regulations consistent with the chapter in order to manage and control the park and recreation system of the city, including rules that:

A. Clarify, interpret or apply this chapter;

B. Regulate the use of parks;

C. Regulate conduct in parks;

D. Designate restricted areas in parks;

E. Regulate recreational programs;

F. Establish times for opening and closing of particular parks or park facilities to public use and/or for entry or use by motor vehicles. ([Ord. 4480](#) § 2, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.040 Overnight camping.

It is unlawful to camp overnight in any park, except at places set aside and posted for such purposes by the city manager or his or her designee, or by permit issued by the city manager or his or her designee. ([Ord. 4480](#) § 3, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.050 Fireworks.

It is unlawful to possess and/or use fireworks in any park, except by permit issued by the city manager or his or her designee. ([Ord. 4480](#) § 4, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.060 Littering.

It is unlawful to throw or deposit any refuse or other material in any park, except in designated receptacles, or to take garbage or refuse to a park for the disposal in the park, or to deposit garbage or refuse generated outside a park within the park. ([Ord. 4071](#) § 1, 1989.)

3.43.070 Game refuge, sanctuary or reserve – Disturbance of wildlife.

It is unlawful to enter any area in a park designated and posted by the city manager or his or her designee as a game refuge, sanctuary or reserve; or to molest or disturb wildlife or the nest or breeding place of any wildlife located therein. ([Ord. 4480](#) § 5, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.080 Capturing or striking wildlife prohibited.

It is unlawful in any park in any manner to capture, strike, kill or harass, or to attempt to capture, strike, kill or harass, any wildlife, with any stick, weapon or other device or thing or throw or otherwise propel a missile or object at or in the vicinity of any such wildlife, except that the city manager or his or her designee may approve the capture of wildlife for research or relocation purposes. ([Ord. 4480](#) § 6, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.090 Feeding of animals.

It is unlawful for any person to leave, place or distribute foodstuffs of any kind or nature in any park, with an intent to feed farm animals or wildlife; provided, this section shall not apply to the feeding of farm animals or wildlife by parks department personnel. ([Ord. 4071](#) § 1, 1989.)

3.43.100 Trespassing.

It is unlawful for any person except an authorized city employee in the performance of his/her duties, or other person duly authorized pursuant to law, to enter or go upon any area which has been designated and posted by the city manager or his or her designee as a "No Admittance" or "No Trespassing" area, or during any time during which the park is posted as being closed to the public. ([Ord. 4480](#) § 7, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.110 Removal or destruction of property.

It is unlawful for any person, except an authorized employee of the city to remove, destroy, mutilate or deface any park property, structure, facility or station. ([Ord. 4071](#) § 1, 1989.)

3.43.130 Dogs and pets – Prohibited areas.

It is unlawful for any person to permit any dog or other pet in any area in a park designated and posted by the city manager or his or her designee as a game refuge, sanctuary or reserve, or to permit such dog or other pet to molest or disturb wildlife therein or the nest or breeding place of any such wildlife, or to permit any dog or other pet to enter any other area with the city manager or his or her designee has posted as a place prohibited to animals. ([Ord. 4480](#) § 9, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.135 Dogs and pets – Prohibited on certain beaches.

It is unlawful for any person to permit any dog or pet to be in the following beach parks or water recreation areas from June 1st through September 15th:

Chesterfield Beach Park
Chism Beach Park

Clyde Beach Park
Enatai Beach Park
Meydenbauer Beach Park
Newcastle Beach Park
West Tributary of Kelsey Creek, Kelsey Creek Community Park
([Ord. 4071](#) § 1, 1989.)

3.43.140 Removal of animal feces.

Any person with a dog or pet in his or her possession in any park shall be responsible for the conduct of the animal, shall carry equipment for removing feces and shall collect and place any feces deposited by such dog or pet in an appropriate receptacle. It shall be unlawful for any person to fail to so collect and place any feces deposited by a dog or pet in his or her possession. ([Ord. 4480](#) § 10, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.145 Animals running at large prohibited.

It is unlawful for any person to allow or permit any dog or other pet to run at large in any park, except dogs used by a public law enforcement officer; provided that, except in areas in which animals are prohibited, dogs or other pets are permitted in a park if on a leash not greater than six feet in length, or otherwise securely caged or securely restrained from running free. ([Ord. 4071](#) § 1, 1989.)

3.43.150 Disturbances by animals.

It is unlawful for any person to permit any dog or other pet, whether on or off a leash, to disturb or harass any park users, farm animals, wildlife or other pets. ([Ord. 4071](#) § 1, 1989.)

3.43.160 Motor vehicles.

It is unlawful to ride, propel, drive or direct any motorized vehicle over or through any park (except along and upon designated park streets, drives and parkways), or on any street, drive or parkway which is designated as being closed to vehicular traffic. ([Ord. 4071](#) § 1, 1989.)

3.43.170 Speed limit.

It is unlawful to ride, propel, drive or direct any motorized vehicle over any street, drive or parkway in any park in excess of 15 miles per hour when no speed limit is posted, or in excess of any posted speed limit. ([Ord. 4071](#) § 1, 1989.)

3.43.180 Parking of motor vehicles.

It is unlawful to leave a vehicle unattended in any park or parking lot through which access is controlled by a gate from one half hour after sunset to one half hour before sunrise, or to leave a vehicle unattended in any park or parking lot through which access is not controlled through a gate between the hours of 2:00 a.m. and 6:00 a.m.; provided this section shall not apply to persons attending scheduled events and activities or have obtained a permit from the director. Such unattended vehicles may be impounded by the city. ([Ord. 4071](#) § 1, 1989.)

3.43.190 Commercial watercraft prohibited.

It is unlawful to use marine areas and marine facilities for commercial purposes or for commercial watercraft to use such areas or facilities, except where done pursuant to permit issued by the city manager or his or her designee. For purposes of this section,

“commercial watercraft” means watercraft used for any commercial purpose but shall not include a watercraft operated under a concession lease with the city. ([Ord. 4480](#) § 11, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.200 Landing, launching, docking and use of watercraft – Prohibited.

It is unlawful for any person to land, launch, dock or use any watercraft in or at any swimming area, dock, pier, float or shoreline within the limits of a park, except for such areas specifically designated for such use by watercraft; provided watercraft may use the following areas as indicated below:

A. Nonmotorized watercraft may be launched and landed at the following parks during the times indicated:

Chesterfield Beach Park	Nonswimming season
Meydenbauer Beach Park	Nonswimming season
Chism Beach Park	Nonswimming season
Clyde Beach Park	All year, in designated areas only
Burrows Landing	All year, in designated areas only
Enatai Beach Park	All year, in designated areas only
Newcastle Beach Park	All year, in designated areas only

B. Motorized and nonmotorized watercraft may be launched and landed at the following parks during the times specified:

40th Street Boat Launch	All year, in designated areas only
Sweylocken Boat Launch	All year, in designated areas only

C. Watercraft may not be launched from or landed at the following:

Robinsglen Nature Park All year

D. This section shall not apply to watercraft used for rescue, lifesaving, law enforcement, park maintenance or city sponsored activities.

E. In the event of conflict, provisions of the Harbor Code, Chapter [12.04](#) BCC, shall have control over this code. ([Ord. 4071](#) § 1, 1989.)

3.43.210 Overnight moorage prohibited.

It is unlawful for any person to moor a watercraft overnight in any park, except by permit of the city manager or his or her designee. ([Ord. 4480](#) § 12, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.220 Speed limits – Distance limitations.

It is unlawful for any person to operate any watercraft at speeds in excess of seven knots within 300 feet of any swimming area, dock or park shoreline; or to approach closer than 100 feet to any such swimming area, dock or park shoreline, except for an emergency threatening life or property; or in areas designated by the city manager or his or her designee, or as necessary to access the property of the operator of the watercraft. ([Ord. 4480](#) § 13, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.230 Larson Lake – All watercraft prohibited.

It is unlawful for any person to use or operate any watercraft of any kind, including any floating device, nonmotorized watercraft or motorized watercraft, on the waters of Larson Lake. ([Ord. 4071](#) § 1, 1989.)

3.43.240 Fires.

It is unlawful for any person to set or maintain any fire in a park, except in designated facilities or in self-contained stoves. ([Ord. 4071](#) § 1, 1989.)

3.43.250 Alcoholic beverages prohibited.

It is unlawful for any person to use or possess any alcoholic beverage in a park, including unopened alcoholic beverage containers; provided this prohibition shall not apply to organized groups which have secured a permit from the city manager or his or her designee and, if required, from the State Liquor Control Board. ([Ord. 4480](#) § 14, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.260 Sound amplification equipment prohibited.

A. It is unlawful for any person to use, operate, or play or permit to be used, operated or played in any park any radio, tape player, television, musical instrument, record player or any other machine or device producing or reproducing sound at a volume that is audible at a distance over 30 feet therefrom, except pursuant to a permit issued by the city manager or his or her designee.

B. Subject to park availability, the city manager or his or her designee will grant or grant with conditions a permit for an exception to subsection A of this section if the use of the sound amplification equipment:

1. will not constitute a public nuisance;
2. will not endanger the public health or safety;
3. will not endanger public property; and
4. is associated with an event that is open to the general public.

C. The city manager or his or her designee may adopt administrative rules pursuant to BCC [3.43.030](#) to allow for the administration of permits under this section.

D. Violations of subsection A of this section and violations of permits issued pursuant to this section shall be considered a civil noise infraction enforced as set forth in Chapter [9.18](#) BCC. ([Ord. 5721](#) § 1, 2007; [Ord. 4480](#) § 15, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.270 Posting signs, posters and notices.

It is unlawful for any person to post or attach any sign, poster or notice or any other device of any kind for advertising in any park, except if authorized by the city manager or his or her designee. ([Ord. 4480](#) § 16, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.280 Soliciting.

It is unlawful for any person to solicit, sell or peddle any goods, services, wares, merchandise, liquids or edibles for human consumption in any park, except by permit issued by the city manager or his or her designee. ([Ord. 4480](#) § 17, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.290 Sale or merchandise, food or services – Permit required.

It is unlawful for any person to sell or attempt to sell any merchandise, food or services in any park, except pursuant to a permit issued by the city manager or his or her designee. ([Ord. 4480](#) § 18, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.300 Operation of motorized models prohibited.

It is unlawful for any person to operate any motorized model car, aircraft, rocket or watercraft in any park, except as authorized by the city manager or his or her designee. ([Ord. 4480](#) § 19, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.310 Use of nonmotorized vehicles – Prohibited in certain areas.

It is unlawful for any person to ride a bicycle or other similar device in any area which is posted as closed to such vehicles. ([Ord. 4071](#) § 1, 1989.)

3.43.320 Expulsion from parks.

A. The city manager or his or her designee or his or her authorized agent may order the expulsion of any person from any park for a period of one to seven days if he or she observes such person:

1. Using abusive or disruptive language or engaging in conduct which disrupts a park facility or program;
2. Directing racially offensive remarks at another person;
3. Using tobacco products in an unauthorized area or facility;
4. Causing injury or risk of injury to another person or persons;
5. Causing damage or risk of damage to city property;
6. Violating any provision of this chapter.

B. The city manager or his or her designee or his or her authorized agent may order the expulsion of any persons from any park for a period of seven days to one year if such person:

1. Has been expelled from the park two or more times in any 30-day period;
2. Caused injury to another person;
3. Sells, possesses or uses illegal drugs or alcohol;
4. Possesses or uses any weapon;
5. Commits more than one violation of this chapter in any 30-day period.

C. Any order of expulsion under this section shall be in writing and shall be sent by certified mail to the person expelled at his last known address.

D. Any person who enters a park during a period during which he has been expelled under subsection A or B of this section is guilty of a misdemeanor. ([Ord. 4480](#) § 20, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.330 Closing times.

It is unlawful to be in a park after closing time. Unless another closing time has been established for a particular park by the city manager or his or her designee, parks shall close one-half hour after sunset and reopen one-half hour before sunrise, provided the Downtown Park shall close at 11:00 p.m. and reopen one-half hour before sunrise. This section does not apply to scheduled parks department events or to dedicated roads and sidewalks used for transportation which are not designated as closed. ([Ord. 4480](#) § 21, 1993; [Ord. 4071](#) § 1, 1989.)

3.43.335 Trees and vegetation – City property.

A. It shall be unlawful for any person to clear, cut, damage or remove any tree or vegetation located on property owned or leased by the city without the express written permission of the city manager or his or her designee.

B. Violation of this section is a civil violation under Chapter [1.18](#) BCC, subject to penalties set forth in BCC [1.18.045](#). ([Ord. 5452](#) § 1, 2003; [Ord. 4480](#) § 22, 1993; [Ord. 4071](#) § 1, 1989.)